

**COMMONWEALTH OF MASSACHUSETTS**  
**State Building Code (780 CMR) Appeals Board**  
**Board's Ruling on Appeal<sup>1</sup>**

**Docket No. 09-688**

Appellant(s): John Mahan for                      vz.            Appellee(s): City/Town of Waltham  
                    Temple Street Realty Trust    Ralph Gaudet

**Procedural History**

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 780 CMR 715.2, for 29 Spruce Street, Waltham, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on January 8, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant and Don Contois from the Sullivan Code Group appeared and testified for the hearing representing the Temple Street Realty Trust. Others testified as well as indicated on the sign in sheet that is on file at the Department of Public Safety.

**Discussion**

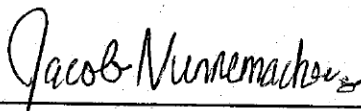
A motion was made to deny the Appellant's request for a variance from 780 CMR 715.2, based on the Exhibits and testimony that were presented, and not allow the design as currently constructed. Several different design and construction deficiencies were noted, reviewed, and discussed. In the discussion it was suggested that a fire protection engineer review the current fire safety design of the entire building and propose remedial measures and an alternate design to bring the building into compliance with 780 CMR. There was a second on the motion and a board vote was taken, which was unanimous.

**Conclusion**

**The Appellant's request for a variance from 780 CMR 715.2, is hereby denied as described in the discussion above and so ordered<sup>2</sup> on this date: January 8, 2009.**



Douglas Semple



Jacob Nunnemacher



Alexander MacLeod

<sup>1</sup> This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

<sup>2</sup> In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.